

# **COLORADO INDEPENDENT ETHICS COMMISSION**

## **Minutes of the December 5, 2023, Meeting Meeting Conducted by Web Conference**

Present: Vice-Chair Sarah Mercer, Commissioner Espinosa Krupa, Commissioner Lora Thomas, and Commissioner Daniel Wolf.

Also Present: Dino Ioannides, IEC Executive Director; Nelson Sanchez, IEC Investigator; and Gina Cannan of the Colorado Attorney General's Office.

### **I. GENERAL BUSINESS**

1. Vice-chair Mercer called the meeting to order at 9:32 a.m.
2. The Commission invited public comment and received none.
3. The Commission unanimously approved the minutes of the October 17, 2023, regular meeting.
4. Mr. Ioannides provided the staff report.
5. Ms. Cannan provided legal updates regarding *Glendale v. IEC*.
6. At 9:37 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session concerning *Glendale v. IEC* for purposes of receiving legal advice.

### **II. CLOSED SESSION BUSINESS**

7. The Commission met in closed session from 9:37 a.m. to 9:49 a.m. regarding *Glendale v. IEC*.
8. Vice-chair Mercer temporarily left the meeting during the closed session. Commissioner Espinosa Krupa temporarily assumed the chair.

### **III. GENERAL BUSINESS**

9. The Commission returned to open session at 9:49 a.m.
10. The Commission called Advisory Opinion 23-01. The Requestor was present.
11. At 9:51 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session concerning Advisory Opinion 23-01 for purposes of receiving legal advice.

#### **IV. CLOSED SESSION BUSINESS**

12. The Commission met in closed session from 9:51 a.m. to 10:02 a.m. regarding Advisory Opinion 23-01.

#### **V. GENERAL BUSINESS**

13. The Commission returned to open session at 10:02 a.m.
14. Commissioner Espinosa Krupa announced that Advisory Opinion 23-01 would be approved and issued after circulation to the commissioners.
15. The Commission called Complaint 21-25.
16. Vice-chair Mercer returned to the meeting and resumed the chair.
17. At 10:08 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session concerning Complaint 21-25 for purposes of receiving legal advice.

#### **VI. CLOSED SESSION BUSINESS**

18. The Commission met in closed session from 10:08 a.m. to 10:24 a.m. regarding Complaint 21-25.

#### **VII. GENERAL BUSINESS**

19. The Commission returned to open session at 10:24 a.m.
20. Vice-Chair Mercer announced that the Commission would issue a written order regarding additional briefing from the parties in Complaint 21-25, and that Commission staff will contact the parties regarding setting a hearing.
21. The Commission took up the draft home rule position statement and invited oral public comment. No oral public comment was offered. Commissioners commented on the written comments received.
22. At 10:52 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session concerning the draft home rule position statement for purposes of receiving legal advice.

#### **VIII. CLOSED SESSION BUSINESS**

23. The Commission met in closed session from 10:52 a.m. to 11:32 a.m. regarding the draft home rule position statement.

#### **IX. GENERAL BUSINESS**

24. The Commission returned to open session at 11:32 a.m.

25. Vice-chair Mercer announced that the Commission would take public comments into further consideration.
26. Staff reported and the Commission acknowledged that, having received the response to Complaint 23-17, staff are ready to commence the investigation, with any additional guidance the Commission may provide.
27. At 11:36 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session to discuss Complaints 23-14, 23-20, 23-21, 23-22, 23-29, 23-30, 23-31, 23-32, 23-33, 23-34, and 23-35, for purposes of receiving legal advice and which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

## **X. CLOSED SESSION BUSINESS**

28. The Commission met in closed session from 11:36 a.m. to 12:13 p.m. to discuss Complaints 23-14, 23-20, 23-21, 23-22, 23-29, 23-30, 23-31, 23-32, 23-33, 23-34, and 23-35.
29. Vice-chair Mercer left the meeting at noon.

## **XI. GENERAL BUSINESS**

30. The Commission returned to open session at 12:13 p.m.
31. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-14 as frivolous.
32. Upon motion duly seconded, the Commission unanimously deemed Complaint 23-20 as non-frivolous.
33. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-21 as frivolous.
34. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-22 as frivolous.
35. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-29 as frivolous.
36. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-30 as frivolous.
37. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-31 as frivolous.
38. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-32 as frivolous.

39. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-33 as frivolous.
40. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-34 as frivolous.
41. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-35 as frivolous.
42. Having no further business, the Commission adjourned at 12:19 p.m. The next regular meeting is scheduled for January 16, 2024.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission